

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

PROFESSIONAL INVESTORS LIFE
INSURANCE COMPANY,

Plaintiff,

vs.

L. GEORGE REYNOLDS, et al.,

Defendants.

No. 84-C-946-CJ

FILED

FEB 27 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT BY DEFAULT AGAINST
DEFENDANT SMALL

Upon consideration of plaintiff's Application For Default Judgment Against Defendant Small, the Court hereby enters Judgment against defendant Small in the sum of \$173,215.40, together with interest on \$16,339.40 at the rate of 15% per annum from April, 1981 until paid, and interest on \$156,876.00 at the rate of 10.03% from the date of this Judgment until paid, and Court costs, including a reasonable attorney's fee, upon the timely filing of a Bill of Costs.

ORDERED, ADJUDGED AND DECREED this 27 day of Feb,
1987.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE

FILED

NORTHERN DISTRICT OF OKLAHOMA

FEB 27 1987

COMPRESSOR SYSTEMS, INC.,

Plaintiff,

v.

BENSON MINERAL GROUP, INC. d/b/a
CENTRAL TRANSMISSION COMPANY,

Defendant.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. C-86-591-E

ORDER GRANTING LEAVE OF COURT TO FILE FIRST
AMENDED COMPLAINT, TO JOIN ADDITIONAL PARTIES
AND DISMISS WITHOUT PREJUDICE DEFENDANT
BENSON MINERAL GROUP, INC.

NOW on this 26th day of November, 1986, upon Application of Compressor Systems, Inc., Plaintiff herein, for leave of Court to file its First Amended Complaint, to join additional parties and dismiss without prejudice Defendant Benson Mineral Group, Inc. and for good cause shown;

IT IS HEREBY ORDERED that Plaintiff is granted leave of Court to file its First Amended Complaint and join additional parties in accordance with its application, and this Court hereby dismisses without prejudice Defendant Benson Mineral Group, Inc. from the above-entitled action. Defendant's motion to dismiss is hereby denied as moot.


UNITED STATES DISTRICT COURT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 27 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

REPUBLIC FINANCIAL CORPORATION,)	
Debtor; DOBIE LANGENKAMP,)	
Successor Trustee,)	
)	
Plaintiffs,)	
)	
v.)	87-C-26-B
)	
L.B.L. '80 COMPANY LTD., EMMA)	84-01460
LOU LINDLEY, VICKI STRODE, and)	Chapter 11
R. H. LINDLEY,)	
)	86-0447
Defendants.)	Adversary No.

ORDER

This matter comes before the court on defendants' application for leave to appeal from an Order of the United States Bankruptcy Court for the Northern District of Oklahoma. The adversary action in the Bankruptcy Court alleged a preferential transfer prior to debtor's bankruptcy and was originally filed in August, 1986, against Herbert Lindley, as the sole defendant. An answer to the complaint was filed September 29, 1986. Defendant Lindley subsequently filed a motion for withdrawal of the case to the district court. Thereafter plaintiff filed a "First Amended Complaint" adding Vicki Strode, Emma Lou Lindley and four other parties as additional defendants. Defendants filed a motion to strike the first amended complaint which was denied by the bankruptcy judge. Defendant Herbert Lindley's motion to withdraw the proceeding to the district court was likewise denied. It is from these rulings that defendants seek leave to appeal.

Authority for the district court to hear appeals from interlocutory orders is found at 28 U.S.C. §158, which provides in pertinent part:

(a) The district courts of the United States shall have jurisdiction to hear appeals from final judgments, orders, and decrees, and, with leave of the court, from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title. An appeal under this subsection shall be taken only to the district court for the judicial district in which the bankruptcy judge is serving; and,

(b) An appeal under subsections (a) and (b) of this section shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district courts and in the time provided by Rule 8002 of the Bankruptcy Rules.

Section 158 is silent as to what standard or considerations should be employed by the district court in determining whether leave to appeal should be granted.

Because bankruptcy appeals are to be taken in the same manner as appeals in civil matters, generally, the court finds the statutory provision governing interlocutory appeals from district courts to appellate courts should be applied. 28 U.S.C. §1292(b). See, In re Johns-Manville Corp., 47 B.R. 957 (S.D.N.Y. 1985). In general, exceptional circumstances must be present to warrant allowing an interlocutory appeal. Coopers & Lybrand v. Livesay, 437 U.S. 463 (1977). 28 U.S.C. §1292(b) mandates three conditions requisite to an interlocutory appeal: (1) the existence of a controlling question of law; which (2) would entail substantial ground for differences of opinion; and (3) the

resolution of which would materially advance the ultimate termination of the litigation.

The defendant has failed to satisfy any of these requirements. Thus, this court is compelled to deny the motion for leave to appeal.

In In re Den-Col Cartage & Distribution, Inc., 20 B.R. 645 (D.Colo. 1982), the court outlined the standards to determine when "the circumstances are extraordinary enough to warrant an interlocutory appeal." Id. at 648. According to the court, an interlocutory appeal should be allowed only when:

(1) the appellant has demonstrated a substantial likelihood that he will eventually prevail on his appeal;

(2) the appellant has demonstrated that the party he represents will suffer irreparable injury unless the interlocutory appeal is allowed;


(3) the potential injury to the appellant's client if the appeal is not allowed outweighs the potential injury to other parties if the appeal is allowed; and,

(4) an interlocutory appeal is not adverse to either the public interest or the orderly administration of the Chapter 11 bankruptcy proceeding. Id.

Such analysis is borrowed from that required in Fed.R.Civ.P. 65, preliminary injunction requests. Should such analysis be applied herein, the defendant has not demonstrated, if the appeal is denied, that he will suffer irreparable injury; nor has he shown that his potential injury, if the appeal is not allowed, outweighs the potential injury to the plaintiff if the appeal is allowed. Thus, defendant has failed to meet the necessary

standard for this court to allow his appeal. Additionally, the court notes that this case is one of over three hundred adversary proceedings commenced by the Trustee of Republic Financial Corporation seeking the avoidance and recovery of preferential transfers from Republic Financial Corporation to various individuals or entities. Allowance of an interlocutory appeal in this matter would interfere with the orderly administration of the ongoing Chapter 11 Bankruptcy proceeding. For these reasons, the motion for leave to appeal is hereby denied.

It is so Ordered this 27th day of Feb., 1987.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 27 1987

KIM-RAN INVESTMENT COMPANY,
an Oklahoma corporation,

Plaintiff,

v.

MONSANTO ENVIRO-CHEM SYSTEMS,
INC., a Delaware corporation;
and CIRCLE ENERGIES CORPORATION,
a Kansas corporation,

Defendants.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. 86-C-1162-E

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Plaintiff, pursuant to Rule 41(a)(1)(i), Federal Rules of Civil Procedure, files this Notice of Dismissal, and dismisses this cause without prejudice to the filing of a subsequent action based on or including the same claim or claims.

CHARLES NESBITT
125 Northwest 6th Street
Oklahoma City, OK 73102
(405) 235-5333

TERRY GUY SHIPLEY
304 South Main Street
P.O. Box 636
Noble, Oklahoma 73068
(405) 236-1200

Attorneys for Plaintiff

By:


CHARLES NESBITT

Certificate of Service

I certify that a true and correct copy of the above and foregoing Notice of Dismissal Without Prejudice was mailed, postage pre-paid, to the following:

Mr. Richard D. Gibbon
Gibbon, Gladd & Associates
1611 S. Harvard
Tulsa, Oklahoma 74112

Mr. Ronald N. Ricketts
Gable & Gotwals
2000 Fourth National Bank Building
Tulsa, Oklahoma 74119

Dated this 26 day of February, 1987.


Charles Nesbitt

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ECONOTHERM ENERGY SYSTEMS
CORPORATION, INC.,

Plaintiff,

v.

N. H. YATES & COMPANY, INC.,

Defendant.

86-C-747-C

FILED

FEB 27 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER

The Court has for consideration the Report and Recommendation of the Magistrate filed February 9, 1987, in which the Magistrate recommended that this matter be stayed pending completion of bankruptcy proceedings. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the Magistrate should be and hereby is affirmed.

It is therefore Ordered that this case is administratively closed pending application of counsel to reopen, which may be filed in the event the controversy is not resolved through bankruptcy proceedings.

Dated this 27 day of February, 1987.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ECONOTHERM ENERGY SYSTEMS)
CORPORATION, INC.,)

Plaintiff,)

v.)

N. H. YATES & COMPANY, INC.,)

Defendant.)

86-C-746-C

FILED

FEB 27 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER

The Court has for consideration the Report and Recommendation of the Magistrate filed February 9, 1987, in which the Magistrate recommended that this matter be stayed pending completion of bankruptcy proceedings. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the Magistrate should be and hereby is affirmed.

It is therefore Ordered that this case is administratively closed pending application of counsel to reopen, which may be filed in the event the controversy is not resolved through bankruptcy proceedings.

Dated this 27th day of February, 1987.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB 27 1987

GRAND FEDERAL SAVINGS BANK
OF GROVE, OKLAHOMA

JACK C. JAMES, CLERK
U.S. DISTRICT COURT

VS.

CASE NO. 86-C-728-C

MCG PORTFOLIO MANAGEMENT
CORP., THOMAS POLLACK,
JOSEPH ANTONUCCI

DEFENDANTS

ORDER OF DISMISSAL

Upon joint motion by the Plaintiff and Defendants herein, this matter having been amicably settled, this Court finds and orders as follows:

1. This Court has both personal and subject matter jurisdiction over this proceeding, and venue is proper in this Court.

2. The Confidential Settlement Agreement which is attached hereto is adopted and accepted by this Court in its entirety. The Court shall hereafter place this Confidential Settlement Agreement under seal with its terms to remain confidential and to not be discussed, referred to or communicated to any persons or entities not a party to or affiliated with the parties to this Agreement upon penalty of law.

3. This cause of action is hereby dismissed with prejudice.

IT IS SO ORDERED.

s/H. DALE COOK

United States District Judge

APPROVED:

MITCHELL, WILLIAMS, SELIG & TUCKER
Attorneys for Plaintiff, Grand
Federal Savings Bank of Grove,
Oklahoma
1000 Savers Federal Building
Little Rock, Arkansas 72701
501-376-3151

By W. Kirby Lockhart
W. Kirby Lockhart

HOLLIMAN, LANGHOLZ, RUNNELS & DORWART
Attorneys for Defendants, MCG Portfolio
Management Corp., Thomas Pollack and
Joseph Antonucci
Suite 700 Holarud Building
10 East Third Street
Tulsa, Oklahoma 74103
918-584-1471

By Ronald E. Goins
Ronald E. Goins

JUDGMENT ON JURY VERDICT

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

WILLIAM M. EUBANKS,

CIVIL ACTION
FILE NO.

83-C-996-C

vs.

FARMER'S INSURANCE GROUP, FARMER'S
INSURANCE EXCHANGE; TRUCK INSURANCE
EXCHANGE; FIRE INSURANCE EXCHANGE; MID-
CENTURY INSURANCE COMPANY; FARMER'S NEW
WORLD LIFE INSURANCE COMPANY; FARMER'S
INSURANCE COMPANY, INC.

This action came on for trial before the Court and a jury, Honorable H. Dale Cook

, United States District Judge, presiding.

The issues having been duly tried and the jury having duly rendered its verdict, it is ordered and adjudged
that judgment be entered in favor of the defendants and against the
plaintiff, and that plaintiff take nothing.

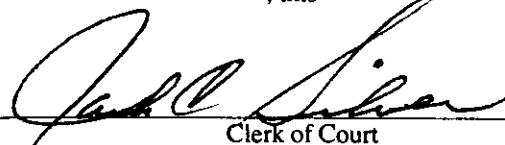
FILED

FEB 27 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Dated at Tulsa, Oklahoma
of February 19, 19 87.

, this 26th day


Clerk of Court

Jack C. Silver

IN THE UNITED STATES DISTRICT COURT FOR THE 1987
NORTHERN DISTRICT OF OKLAHOMA

ANCILLA SYSTEMS INCORPORATED,)

Plaintiff,)

v.)

86-C-871-E

COMMUNICATION ASSOCIATES,)

INC. and JACK S. JAMES,)

Defendants.)

ADMINISTRATIVE CLOSING ORDER

This matter having been heard by the U. S. Magistrate and a Minute Order having been entered transferring Touche Ross's objection to subpoena to the Northern District of Illinois, it is hereby Ordered that the Clerk administratively terminate this action in his records.

Dated this 27th day of February, 1987.


JOHN LEO WAGNER
UNITED STATES MAGISTRATE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

RANDALL C. VAUGHN and TERRY
WESTEMEIR,

Plaintiffs,

v.

SHARP, BAUSCH & COMPANY,
a Texas corporation, JOE E.
SHARP and ERIC A. BAUSCH,
individuals,

Defendants.

No. 85-C-921-B

F I L E D

FEB 27 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

J U D G M E N T

In accordance with the jury verdict rendered February 25, 1987, the Court hereby enters judgment in favor of Joe E. Sharp, individually, and against Randall C. Vaughn and Terry Westemeir on their respective claims for money damages and punitive damages against Joe E. Sharp for alleged breach of fiduciary duty.

Judgment, in keeping with the jury's verdict, is entered in favor of plaintiffs, Randall C. Vaughn and Terry Westemeir, and against Joe E. Sharp, on their indemnity claim. It is therefore adjudged that Joe E. Sharp is hereby required to hold the plaintiffs, Randall C. Vaughn and Terry Westemeir, harmless and indemnify them against any loss, cost, expense or judgment in the two creditor lawsuits now pending against the plaintiffs as partners of Sharp, Bausch & Company.^{1/}

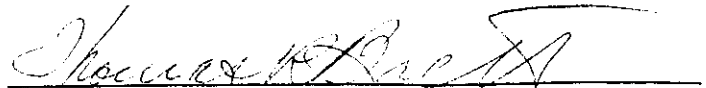
1

Said cases are as follows: The Paragon Group, Inc. v. Sharp, Bausch & Company, et al., No. 85-17170-C, 68th District Court, Dallas County, Dallas, Texas; and Pannell Kerr Foster v. Sharp, Bausch & Company, et al., No. CA3-86-0614T, United States District Court for the Northern District of Texas, 101st Judicial District.

Further, judgment is hereby entered in favor of plaintiff, Randall C. Vaughn, and against the defendants, Sharp, Bausch & Company, Joe E. Sharp as partner of Sharp, Bausch & Company, general partnership, and Eric A. Bausch, as partner of Sharp, Bausch & Company, general partnership, in the amount of One Thousand Forty-Four Dollars (\$1,044.00); and judgment is hereby entered in favor of plaintiff, Terry Westemeir, and against the defendants, Sharp, Bausch & Company, Joe E. Sharp, as partner of Sharp, Bausch & Company, general partnership, and Eric A. Bausch, as partner of Sharp, Bausch & Company, general partnership, in the amount of Eight Thousand Nine Hundred Three Dollars (\$8,903.00); and interest on said sums from this date at the rate of 6.09% per annum. (The Court hereby adopts the findings and conclusions of the jury, as reflected in the jury's verdicts relative to the capital account claims and accounting issue between the parties herein.)

The costs of this action are to be awarded to the plaintiffs and against the defendants, and each of the parties herein is to be responsible for their own respective attorney fees.

DATED this 26th day of February, 1987.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

Am

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

PROFESSIONAL INVESTORS LIFE
INSURANCE COMPANY,

Plaintiff,

vs.

L. GEORGE REYNOLDS, et al.,

Defendants.

No. 84-C-946-C

FILED

FEB 27 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT BY DEFAULT AGAINST
DEFENDANT SMALL

Upon consideration of plaintiff's Application For Default Judgment Against Defendant Small, the Court hereby enters Judgment against defendant Small in the sum of \$173,215.40, together with interest on \$16,339.40 at the rate of 15% per annum from April, 1981 until paid, and interest on \$156,876.00 at the rate of 10.03% from the date of this Judgment until paid, and Court costs, including a reasonable attorney's fee, upon the timely filing of a Bill of Costs.

ORDERED, ADJUDGED AND DECREED this 27 day of Feb,
1987.


UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB 26 1987

OKLAHOMA BLACK OFFICERS, INC.,)
et al.,)
)
Plaintiffs,)
)
vs.)
)
CITY OF TULSA, OKLAHOMA, et al.,)
)
Defendants.)

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 83-C-246-B

HON. THOMAS R. BRETT

FINAL JUDGMENT OF NO CAUSE OF ACTION AGAINST
PLAINTIFF WENDELL SMITH AND IN FAVOR OF DEFENDANTS

In accordance with the Order entered this date, it is
HEREBY ORDERED AND ADJUDGED that final judgment is entered in
favor of all Defendants and against Plaintiff Wendell Smith, and
all claims of Plaintiff Wendell Smith in this action and
contained in the Third Amended and Supplemental Complaint are
hereby dismissed with prejudice. The parties are to pay their
respective costs, including attorney's fees.

Dated this 23rd day of February, 1987.

S/ THOMAS R. BRETT

THOMAS R. BRETT
U. S. DISTRICT JUDGE

FILED

FEB 26 1987

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U.S. DISTRICT COURT

OKLAHOMA BLACK OFFICERS, INC.,)
et al.,)
)
Plaintiffs,)
)
vs.)
)
CITY OF TULSA, OKLAHOMA, et al.,)
)
Defendants.)

No. 83-C-246-B

HON. THOMAS R. BRETT

ORDER OF DISMISSAL OF ALL CLAIMS OF
PLAINTIFF WENDELL SMITH WITH PREJUDICE

This matter having come before the Court upon the filing of the attached Stipulation, the Court being advised in the premises and good cause having been shown, now therefore:

IT IS HEREBY ORDERED AND ADJUDGED that all claims and causes of action of Plaintiff Wendell Smith in the above-referenced action and contained in the Third Amended and Supplemental Complaint shall be and are hereby dismissed with prejudice;

IT IS FURTHER ORDERED AND ADJUDGED that there is no just reason for delay and FINAL JUDGMENT shall be entered dismissing all claims of Wendell Smith, with prejudice;

IT IS FURTHER ORDERED AND ADJUDGED that no party shall be entitled to attorney's fees or costs as a result of this Order.

S/ THOMAS R. BRETT

THOMAS R. BRETT
U.S. DISTRICT COURT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA FEB 26 1987

OKLAHOMA BLACK OFFICERS, INC.,)
et al.,)
Plaintiffs,)
vs.)
CITY OF TULSA, OKLAHOMA, et al.,)
Defendants.)

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 83-C-246-B

HON. THOMAS R. BRETT

ORDER OF DISMISSAL OF ALL CLAIMS OF
PLAINTIFF STANLEY M. RHINE WITH PREJUDICE

This matter having come before the Court upon the filing of the attached Stipulation, the Court being advised in the premises and good cause having been shown, now therefore:

IT IS HEREBY ORDERED AND ADJUDGED that all claims and causes of action of Plaintiff Stanley M. Rhine in the above-referenced action and contained in the Third Amended and Supplemental Complaint shall be and are hereby dismissed with prejudice;

IT IS FURTHER ORDERED AND ADJUDGED that there is no just reason for delay and FINAL JUDGMENT shall be entered dismissing all claims of Stanley M. Rhine, with prejudice;

IT IS FURTHER ORDERED AND ADJUDGED that no party shall be entitled to attorney's fees or costs as a result of this Order.

S/ THOMAS R. BRETT

THOMAS R. BRETT
U.S. DISTRICT COURT JUDGE

FILED

FEB 26 1987

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U.S. DISTRICT COURT

OKLAHOMA BLACK OFFICERS, INC.,)
et al.,)
)
Plaintiffs,)
)
vs.)
)
CITY OF TULSA, OKLAHOMA, et al.,)
)
Defendants.)

No. 83-C-246-B

HON. THOMAS R. BRETT

FINAL JUDGMENT OF NO CAUSE OF ACTION AGAINST
PLAINTIFF STANLEY M. RHINE AND IN FAVOR OF DEFENDANTS

In accordance with the Order entered this date, it is
HEREBY ORDERED AND ADJUDGED that final judgment is entered in
favor of all Defendants and against Plaintiff Stanley M. Rhine,
and all claims of Plaintiff Stanley M. Rhine in this action and
contained in the Third Amended and Supplemental Complaint are
hereby dismissed with prejudice. The parties are to pay their
respective costs, including attorney's fees.

Dated this 23rd day of February, 1987.

S/ THOMAS R. BRETT

THOMAS R. BRETT
U. S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ROSCOE LEN MERCHANT, a)
minor, by and through)
BELINDA KAY MERCHANT and)
JOHN W. MERCHANT, his mother)
and father and next friends,)
and BELINDA KAY MERCHANT and)
JOHN W. MERCHANT, individually,)

Plaintiffs,)

vs.)

THE BAPTIST HEALTH CARE)
CORPORATION, and F. R. BLAND,)
M.D., and D. H. COPE, M.D.,)

Defendants.)

F I L E D

FEB 26 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. 86-C-256-B

ORDER APPROVING DISMISSAL WITH PREJUDICE AGAINST
DEFENDANT, BAPTIST HEALTH CARE CORPORATION, ONLY

Upon the Application of Plaintiffs, BELINDA KAY MERCHANT and JOHN W. MERCHANT, as legal guardians of ROSCOE LEN MERCHANT, and BELINDA KAY MERCHANT and JOHN W. MERCHANT, individually, the Court does hereby dismiss with prejudice Plaintiffs' action against Defendant, BAPTIST HEALTH CARE CORPORATION, only, reserving Plaintiffs' right of action against Defendants, F. R. BLAND, M.D., and D. H. COPE, M.D., and specifically permitting the Plaintiffs to continue their action against Defendants, F. R. BLAND, M.D., and D. H. COPE, M.D.

DATED this 25 day of February, 1987.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ROSCOE LEN MERCHANT, a)
minor, by and through)
BELINDA KAY MERCHANT and)
JOHN W. MERCHANT, his mother)
and father and next friends,)
and BELINDA KAY MERCHANT and)
JOHN W. MERCHANT, individually,)

Plaintiffs,)

vs.)

THE BAPTIST HEALTH CARE)
CORPORATION, and F. R. BLAND,)
M.D., and D. H. COPE, M.D.,)

Defendants.)

F I L E D

FEB 26 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. 86-C-256-B

ORDER OF DISMISSAL WITHOUT PREJUDICE AGAINST
DEFENDANT, D. H. COPE, M.D., ONLY

On this 25 day of February, 1987, the above matter comes on for hearing upon Plaintiffs' written Application to Dismiss Without Prejudice the action against Defendant, D. H. COPE, M.D., only. The Court having examined said Application, and being fully advised in the premises, finds that said cause of action should be dismissed pursuant to said Application.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the above-entitled cause of action be and the same is hereby dismissed without prejudice against Defendant, D. H. COPE, M.D., only.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

lkm (86-103)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED
FEB 26 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

JOSEPH D. WASZUT,

Plaintiff,

v.

TIMOTHY L. OLIVER,

Defendant.

)
)
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)
)
)
)
)
)
)

No. 86-C-523-B

O R D E R

This matter comes before the Court on the plaintiff's motion to dismiss his cause of action against defendant, Timothy L. Oliver, without prejudice. Also pending are motions to dismiss by various third party defendants filed January 20, 1987. For the reasons set forth below, the motions to dismiss will be granted.

The posture of this case is confused. An examination of the file reveals that entry of default was entered by the clerk against the defendant on August 4, 1986, for defendant's failure to plead or answer within the time allowed by law. The defendant then filed his answer August 15, 1986, and has at no time moved to set aside the clerk's entry of default. The Court ordered a RICO case statement of the plaintiff which was complied with on December 16, 1986.

On November 4, 1986, the initial status conference was held in this action and a scheduling order was issued by the Court setting December 5, 1986, as the date for the parties to file any motions to add parties or amend pleadings. On December 5, 1986, the defendant, Timothy L. Oliver, filed his motion for an

extension of the motion cut-off date and was granted an extension to December 22, 1986.

On December 31, 1986, nine days following the Court's extended motion deadline, the defendant was erroneously allowed to file his motion to amend his answer and state counterclaims and to assert a third-party complaint. In light of the fact that this Court did not grant the defendant permission to add additional parties and file a third-party complaint, the Court finds such were untimely and not properly before the Court. Therefore, the third-party defendants' motion to dismiss and motion to strike the third-party complaint is hereby granted.

In addition, the plaintiff seeks to dismiss his original complaint against the defendant on the grounds that he no longer possesses the financial, physical, or mental stability to proceed further at this time.

IT IS THEREFORE ORDERED AND ADJUDGED that the plaintiff, Joseph D. Waszut's cause of action alleged against defendant Timothy L. Oliver is dismissed without prejudice, and the third party defendant's motion to dismiss the third party complaint is sustained. The parties are to pay their own costs, expenses and attorney fees.

DATED this 26th day of February, 1987.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 26 1987

BOISE CASCADE CORPORATION

Plaintiff(s),

vs.

BUDGET HOMES, partnership of SAMMY BATES &
RON BROEFFLE, et al

Defendant(s).

No. 84-C-555-E

Jack C. Silver, Clerk
U.S. DISTRICT COURT

O R D E R

Rule 36(a) of the Rules of the United States District Court for
the Northern District of Oklahoma provides as follows:

(a) In any case in which no action has
been taken by the parties for six (6) months,
it shall be the duty of the Clerk to mail
notice thereof to counsel of record or to the
parties, if their post office addresses are
known. If such notice has been given and no
action has been taken in the case within
thirty (30) days of the date of the notice,
an order of dismissal may in the Court's
discretion be entered.

In the action herein, notice pursuant to Rule 36(a) was mailed to
counsel of record or to the parties, at their last address of record
with the Court, on August 16, 1985. No action has been
taken in the case within thirty (30) days of the date of the notice.

Therefore, it is the Order of the Court that this action is in all
respects dismissed, as to defendant RON BROEFFLE.

Dated this 26th day of February, 1987.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

AUTOMATION TECHNIQUES, INC.
an Oklahoma corporation,

Plaintiff,

vs.

WAUSAU UNDERWRITERS INSURANCE
COMPANY, a Wisconsin
corporation,

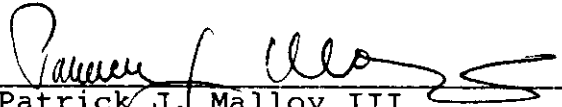
Defendant.

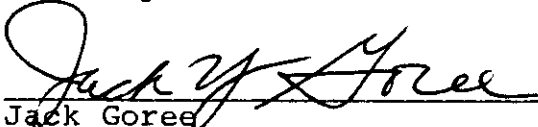
Case No. 85-C-384-E

STIPULATION OF DISMISSAL

COME now the parties herein, acting by and through
their respective counsel, and do hereby stipulate that the
above styled matter may be dismissed with prejudice to any
further action.

Dated at Tulsa, Oklahoma, this 19th day of February,
1987.


Patrick J. Malloy III
Attorney at Law
1924 South Utica, #810
Tulsa, Oklahoma 74104
Attorney for Plaintiff


Jack Goree
Attorney at Law
7335 South Lewis
Tulsa, Oklahoma
Attorney for Defendant

JACK C.
U.S. DIST.

FILED

JAN 09 1987

DOROTHY A. EVANS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN RE:

AUTOMATION TECHNIQUES, INC.,
an Oklahoma Corporation

Debtor.

)
)
) Case No. 85-00624
) Chapter 11
)
)

ORDER APPROVING SETTLEMENT AGREEMENT

Comes now the undersigned Bankruptcy Judge upon the Trustee's Notice and Application to Settle Contested Matters finds;

That on the 1st day of December, 1986 the Trustee filed his Notice and Application to Settle Contested Matter together with a Certificate of Mailing evidencing such mailing in accordance with the Courts previous Order Designating Parties to Receive said Notice; and

That as the time for objections have run and no parties have objected to such settlement the same should be ordered and approved.

IT IS THEREFORE ORDERED that the Trustee be authorized and allowed to settle the Contested Matter against the Wausau Underwriters Insurance Company for the amount of \$483,410.50, and to execute such documents as are necessary to affectuate the release of claims to Wausau and receipt of the funds.

Dated this 8th day of January, 1987.



United States Bankruptcy Judge

Michael H. Freeman
1612 South Cincinnati
Tulsa, Oklahoma 74119

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK J. LITTLE; TONI A. LITTLE;
COUNTY TREASURER, Tulsa County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Tulsa County,
Oklahoma,

Defendants.

F I L E D

FEB 26 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 86-C-573-B

DEFICIENCY JUDGMENT

Now on this 23rd day of February, 1987, there came on for hearing the Motion of the Plaintiff United States of America for leave to enter a Deficiency Judgment herein, said Motion being filed on February 5, 1986, and a copy of said Motion being mailed to Mark J. Little and Toni A. Little, P.O. Box 31, Sperry, OK 74073. The Plaintiff, United States of America, acting on behalf of the Administrator of Veterans Affairs, appeared by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma through Phil Pinnell, Assistant United States Attorney, and the Defendants, Mark J. Little and Toni A. Little, appeared neither in person nor by counsel.

The Court upon consideration of said Motion finds that the amount of the Judgment rendered herein on September 4, 1986, in favor of the Plaintiff United States of America, and against the Defendants, Mark J. Little and Toni A. Little, with interest and costs to date of sale is \$31,809.86.

The Court further finds that the appraised value of the real property at the time of sale was \$20,000.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered September 4, 1986, for the sum of \$18,641.00 which is less than the market value.

The Court further finds that the said Marshal's sale was confirmed pursuant to the Order of this Court on February 18, 1986.

The Court further finds that the Plaintiff, United States of America on behalf of the Administrator of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendants, Mark J. Little and Toni A. Little, as follows:

Principal Balance as of 11/20/86	\$27,755.64
Interest	3,332.37
Late Charges	156.48
Appraisal	250.00
Management Broker Fees	180.00
Court Costs	<u>135.37</u>
TOTAL	\$31,809.86
Less Credit of Appraised Value	- <u>20,000.00</u>
DEFICIENCY	\$11,809.86

plus interest on said deficiency judgment at the legal rate of 6.09 percent per annum from date of deficiency judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the appraised value of the property herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Administrator of Veterans Affairs have and recover from Defendants, Mark J. Little and Toni A. Little, a deficiency judgment in the amount of \$11,809.86, plus interest at the legal rate of 6.09 percent per annum on said deficiency judgment from date of judgment until paid.


UNITED STATES DISTRICT JUDGE

F I L E D

FEB 25 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 86-C-955-E

DAVID MOSS AND DONNA PRIORE,
Defendants.

In Oyler v. Boles, 368 U.S. 456, 82 S.Ct. 501, 7 L.Ed.2d 446 (1982) the United States Supreme Court addressed the issue of whether selective enforcement of a recidivist statute was a violation of the Equal Protection Clause of the Fourteenth Amendment. The Court held that the conscious exercise of some selectivity in enforcement is not in itself a federal

constitutional violation. However, selection deliberately based on an unjustifiable standard such as race or religion would constitute a violation of the Equal Protection Clause. More recently, in United States v. Batchelder, 442 U.S. 114, 99 S.Ct. 2198, 60 L.Ed.2d 755 (1979) the United States Supreme Court again held that selectivity in the enforcement of criminal laws, although subject to constitutional restraints, does not violate the Equal Protection Clause.

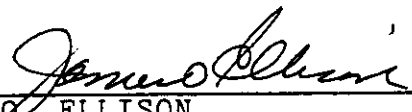
In the case now before the Court, the Plaintiff does not allege that the prosecutors enforced the statutes in question arbitrarily against any particular class of persons. Rather, the Plaintiff's allegations fall within the realm of prosecutorial discretion. Therefore, Plaintiff's first cause of action fails to state a claim upon which relief can be granted.

Plaintiff's second and third causes of action also fail to state a claim upon which relief can be granted. The second cause of action alleges that Defendants conspired to violate Plaintiff's right to Equal Protection. The third, that Defendants failed to prevent the conspiracy. However, under 42 U.S.C. §1985, the civil rights conspiracy statute, some class based animus must be alleged. Griffin v. Breckinridge, 403 U.S. 88, 91 S.Ct. 1790, 29 L.Ed.2d 338 (1971). No class based animus has been alleged.

Although Plaintiff's complaint fails to state a claim upon which relief can be granted, the allegations are not so frivolous as to justify the imposition of attorney's fees under 42 U.S.C. §1988 under Hughes v. Rowe, 449 U.S. 5, 101 S.Ct. 173, 60 L.Ed.2d

163 (1980). Accordingly, Defendants' Motion to Dismiss is granted except to the extent it requests the Court to impose attorney's fees against the Plaintiff.

DATED this 24th day of February, 1987.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Entered

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 25 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CELIA LAWSON,

Plaintiff,

vs.

PRATTVILLE CASTING COMPANY,

Defendant.

No. 86-C-917-E

O R D E R

There being no response to the Defendant's Motion to Dismiss and more than ten (10) days having passed since the filing of the motion and no extension of time having been sought by Plaintiff, the Court, pursuant to Local Rule 14(a), as amended effective March 1, 1981, concludes that Plaintiff has therefore waived any objection or opposition to the Motion to Dismiss. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The Defendant's Motion to Dismiss is therefore granted without prejudice to its being refiled within ninety (90) days of Plaintiff's receipt of a Notice of Right to Sue.

ORDERED this 24TH day of February, 1987.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED
IN OPEN COURT

FEB 25 1987

Jack C. Silver
Clerk, U. S. District Court

CIVIL ACTION NO. 86-C-621-C

CIVIL ACTION NO. 86-C-621-C

CIVIL ACTION NO. 86-C-621-C

This matter comes on for consideration this 25
of February, 1987, the Plaintiff appearing by Layn R. Phillips,
United States Attorney for the Northern District of Oklahoma,
through Peter Bernhardt, Assistant United States Attorney, and
the Defendant, David A. Nix, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, David A. Nix, has agreed that he is indebted to the Plaintiff in the amount alleged in the Complaint and that judgment may accordingly be entered against him in the amount of \$375.00, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from July 28, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the legal rate until paid, plus the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, David A. Nix, in the amount of \$375.00, plus interest at the rate of 15.05 percent per annum and administrative costs of \$.61 per month from July 28, 1983, and \$.68 per month from January 1, 1984, until judgment, plus interest thereafter at the current legal rate of 6.09 percent until paid, plus the costs of this action.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE


APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS
United States Attorney



PETER BERNHARDT
Assistant U.S. Attorney



DAVID A. NIX

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FEDERAL DEPOSIT INSURANCE
CORPORATION,

Plaintiff,

vs.

RAY & SWEENEY EDUCATIONAL
TRUST,

Defendant.

No. 86-C-920B

FILED

FEB 25 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

JOURNAL ENTRY

COMES ON before me this 25th day of February, 1987,
Plaintiff, Federal Deposit Insurance Corporation's ("FDIC")
Application for Entry of a Default Judgment against Defendant,
Ray & Sweeney Educational Trust (the "Trust"), and the Court
being fully advised in the premises finds as follows:

1. This action was filed on October 6, 1986.
2. Summons was issued on October 6, 1986, to Jimmy T. Ray,
Trustee of Defendant Trust.
3. Service was obtained on Defendant Jimmy T. Ray, Trustee
for the Trust, by certified mail return receipt requested on
October 8, 1986.
4. More than twenty (20) days has elapsed since the service
of the Summons and Complaint on Defendant Trust and Defendant
Trust has failed to answer or otherwise respond to the Complaint
filed herein by FDIC.

5. Defendant Trust is in default which default has been properly certified by the United States Court Clerk for the United States District Court for the Northern District of Oklahoma.

6. An affidavit has been filed with this Court by Plaintiff FDIC in support of the allegations contained in it's Complaint.

7. A default judgment should be entered on each of Plaintiff's causes of action.

Based upon the foregoing findings that a default judgment should be entered, the Court further finds as follows:

8. FDIC is a national corporation organized and existing under the laws of the United States of America.

9. Defendant Trust is an educational trust formed under the laws of the State of Oklahoma.

10. Jurisdiction is availing this Court by virtue of the provisions of 12 U.S.C. §1819.

11. On July 14, 1986, the Comptroller of the Currency declared the First National Bank and Trust Company of Oklahoma City ("Bank") insolvent and appointed FDIC as Receiver of the Bank.

12. FDIC, in its corporate capacity, has succeeded to all right, title and interest of the Bank in and to the promissory note and collateral hereinafter described.

13. On or about October 1, 1984, the Trust made, executed and delivered unto the Bank its promissory note in the original principal sum of \$65,000.00 payable on demand or on October 1, 1985, if no demand was made prior thereto, plus interest accruing thereon at the rate of one percent (1%) above the prime rate of the Bank (the "Note").

14. As security for repayment of the indebtedness evidenced by the Note (the "Indebtedness"), the Trust made, executed and delivered unto the Bank a real estate mortgage (the "Mortgage") covering the following described real property, together with all improvements located thereon, to-wit:

Lot Two (2) in Block One (1) of Sitton
Addition to the town of Oologah, Rogers
County, State of Oklahoma, according to the
recorded plat thereof (the "Property").

15. The Mortgage was duly executed and acknowledged according to law and after mortgage tax was paid thereon, was filed for record in the office of the County Clerk of Rogers County, State of Oklahoma on November 30, 1984, and recorded in Book 691, Pages 669 through 673, inclusive.

16. As additional security for repayment of the Indebtedness, the Trust made, executed and delivered unto the Bank a certain collateral agreement (the "Collateral Agreement") covering 30,000 shares of Plains Resources, Inc. (the "Stock").

17. The Bank properly perfected its security interest in and to the Stock by taking possession of Stock Certificate No. OKC-10297 representing 30,000 shares of Plains Resources, Inc.

18. The terms of both the Mortgage and the Collateral Agreement provide that the security interests granted by the Trust to the Bank in and to the Property and the Stock, respectively, act as security for repayment of the Indebtedness and as security for repayment of all other debts, obligations and liabilities owed by the Trust to the Bank.

19. Demand has been made on the Trust for payment of the Indebtedness, but the Trust has failed and refused and continues to fail and refuse to pay the amount due thereunder. As a result of the Trust's failure to pay the Indebtedness, the Trust is in default thereunder.

20. As of September 30, 1986, there is due and owing to FDIC by the Trust under the terms of the Note the principal sum of \$65,000.00, plus accrued interest in the sum of \$12,395.08, plus interest accruing thereafter at the rate of \$27.08 per day until paid in full. Under the terms of the Note the Trust also is liable to FDIC for payment of all costs and expenses incurred in connection herewith together with a reasonable attorneys fee.

21. Prior to the declaration of insolvency by the Comptroller of the Currency, the Trust maintained a Demand Deposit Account at the Bank, the same being Account No. 1-051-109 (the "Account").

22. As of September 30, 1986 there was an overdraft balance in the Account in the amount of \$254.77 (the "Overdraft") for which the Trust is liable to FDIC.

23. Demand has been made upon the Trust for payment of the Overdraft but the Trust has failed and refused and continues to fail and refuse to pay the amount due thereunder.

24. Pursuant to the terms of the Mortgage and the Collateral Agreement, respectively, the Property and the Stock both constitute security for repayment of the Overdraft.

25. Under the terms of the Mortgage, the failure of the Trust to pay the Indebtedness when due constitutes an event of default and entitles FDIC to foreclose its interest in and to the Property.

26. Under the terms of the Collateral Agreement, the failure of the Trust to pay the Indebtedness when due constitutes an event of default and entitles the FDIC to foreclose its interest in and to the Stock.

27. FDIC is entitled to receive all proceeds realized from the sale of the Property and the Stock and to apply the same in reduction of all sums due and owing to FDIC including the Indebtedness and the Overdraft.

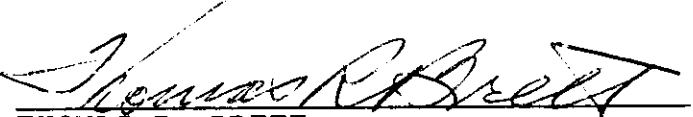
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be granted in favor of FDIC and against Defendant Trust for the principal sum of \$65,000.00, plus accrued interest as of February 25, 1987 in the sum of \$16,402.92, plus post-judgment interest on the total thereafter at the rate of 6.09% per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of FDIC and against Defendant Trust for the principal sum of \$254.77, plus interest accruing thereon from and

after date of judgment until paid in full at the rate of 6.09% per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that FDIC's interest in and to the Property and the Stock is hereby foreclosed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Property and the Stock shall be liquidated with the proceeds therefrom being applied in reduction of all sums and liabilities due and owing to FDIC by Defendant Trust with any sum remaining thereafter, being held pending further order of this Court.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 25 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

BAKER OIL TOOLS, INC.,

Plaintiff,

vs.

TRW, INC.

Defendant.

Case No. 84-C-227-E

FINAL JUDGMENT

This action came on for trial before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly tried, and Findings of Fact and Conclusions of Law having been entered, it is hereby ordered, adjudged and decreed in accordance therewith that:

1. The plaintiff takes nothing and the Complaint is hereby dismissed with prejudice;

2. The defendant's counterclaim for a declaration of patent invalidity is hereby denied;

3. The defendant's counterclaim for a declaration of non-infringement is hereby granted;

4. The defendant's request for attorneys fees pursuant to 35 U.S.C. Section 285 is hereby denied; and

5. The Court reserves the question of awarding costs herein, and that issue will be decided by the Court after receipt of briefs from the parties to be filed no later than March 9, 1987.

Dated at Tulsa, Oklahoma, this 24 day of February, 1987.

James O. Ellison

James O. Ellison
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 25 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

GLORIA J. KENNEDY,

Plaintiff,

vs.

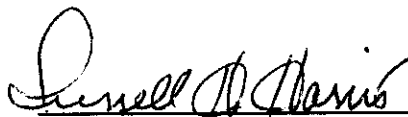
Case Number 86-C-551-C

GUARDIAN SECURITY SYSTEMS,
INC.,

Defendants.

Notice of
DISMISSAL

COMES now the Plaintiff, Gloria J. Kennedy, by and through her attorney, Russell H. Harris, and hereby dismisses the above case with prejudice against the above-named Defendants, Guardian Seciruty Systems, Inc.



RUSSELL H. HARRIS
Attorney at Law
309 East Dewey
Sapulpa, OK 74066
(918) 227-1966

CERTIFICATE OF MAILING

I, Russell H. Harris, do hereby certify that a true and correct copy of the above and foregoing Dismissal was mailed on this 24th day of February, 1987, with proper postage thereon pre-paid to Mr. Tom Gann, Attorney at Law, 2121 South Columbia, Suite 600, Tulsa, Oklahoma, 74114.



RUSSELL H. HARRIS

FILED

FEB 25 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

DENNIS HANCOCK and NORTHERN STEEL
MANUFACTURING CORPORATION,

Plaintiffs,

Vs.

No. 84C736E

HINDERLITER COMPANY, a foreign
corporation, and JOHNSON
MANUFACTURING CO.,

Defendants.

ORDER

NOW on this 25th day of February, 1987, this
matter comes on for hearing on the joint motion of plaintiff
Northern Steel Manufacturing Corporation and defendants
Hinderliter Company and Johnson Manufacturing Company for
dismissal of Northern Steel Manufacturing Corporation's claims
against defendants, and defendants' counterclaims against
Northern Steel Manufacturing Corporation, the Court finds as
follows:

1. That pursuant to governing substantive law, Northern
Steel Manufacturing Corporation is not a proper party plaintiff
to this action and is not required to be a party in order for

plaintiff, Dennis Hancock, to bring his claims and recover damages, if any, and

2. That pursuant to governing substantive law, Northern Steel Manufacturing Corporation, as the employer of Dennis Hancock, is immune from the counterclaims brought by defendants Hinderliter Company and Johnson Manufacturing Company in this action, and

3. That Northern Steel Manufacturing Corporation should dismiss its claims as a party plaintiff and that defendants Hinderliter Company and Johnson Manufacturing Company should dismiss their counterclaims against Northern Steel Manufacturing Corporation, and that Northern Steel Manufacturing Corporation should be dismissed from this action entirely as a party.

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED that Northern Steel Manufacturing Corporation is hereby dismissed from this action as a party without prejudice and that Northern Steel Manufacturing Corporation's claims against defendants are hereby dismissed without prejudice, and defendants' counterclaims against Northern Steel Manufacturing Corporation are hereby dismissed without prejudice, with each party to bear their own costs.

IT IS SO ORDERED.


JUDGE OF THE U.S. DISTRICT COURT

Submitted and
Approved by:

PAYNE & JONES, CHARTERED

By: Thomas L. Griswold
Thomas L. Griswold
11000 King, Suite 200
P. O. Box 25625
Overland Park, KS 66225-5625
(913) 469-4100

and

RHODES, HIERONYMUS, JONES
TUCKER & GABLE

By: John H. Tucker
John H. Tucker
2800 Fourth National Bank
15 West Sixth Street
Tulsa, OK 74119
(918) 582-1173

ATTORNEYS FOR PLAINTIFF,
NORTHERN STEEL MANUFACTURING
CORPORATION

KNIGHT, WAGNER, STUART,
WILKERSON & LIEBER

By: 

Richard D. Wagner
233 West Eleventh Street
Tulsa, OK 74119
(918) 584-6457

ATTORNEYS FOR DEFENDANTS

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DAVID COX, ET AL

Plaintiff(s),

vs.

TREASURE LAKE VACATION RESORT,
and CREATIVE RECREATIONS, INC.

Defendant(s).

No. 86-C-104-E

FILED

FEB 24 1987

O R D E R

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Rule 36(a) of the Rules of the United States District Court for
the Northern District of Oklahoma provides as follows:

(a) In any case in which no action has
been taken by the parties for six (6) months,
it shall be the duty of the Clerk to mail
notice thereof to counsel of record or to the
parties, if their post office addresses are
known. If such notice has been given and no
action has been taken in the case within
thirty (30) days of the date of the notice,
an order of dismissal may in the Court's
discretion be entered.

In the action herein, notice pursuant to Rule 36(a) was mailed to
counsel of record or to the parties, at their last address of record
with the Court, on December 8, 1986. No action has been
taken in the case/within thirty (30) days of the date of the notice.
as to CREATIVE RECREATIONS, INC.

Therefore, it is the Order of the Court that this action is in all
respects dismissed.

Dated this 23rd day of February, 1987.


UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB 24 1987

IN RE: FAIRLAND BANSHARES,
INC.,

Plaintiff,

vs.

SECURITY BANK AND TRUST CO.,

Defendant.

Clerk
U.S. DISTRICT COURT


No. 86-C-749-E

O R D E R

There being no response to Security Bank and Trust Co. of Miami, Oklahoma's motion to dismiss filed October 31, 1986 and more than ten (10) days having passed since the filing of the motion and no extension of time having been sought by Fairland Banshares, Inc., the Court, pursuant to Local Rule 14(a), as amended effective March 1, 1981, concludes that Fairland Banshares, Inc. has therefore waived any objection or opposition to the motion. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The motion to dismiss filed October 31, 1986 by Security Bank and Trust Co. of Miami, Oklahoma is therefore granted.

ORDERED this 23^d day of February, 1987.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 24 1987

INTERFIRST BANK OF DALLAS

Plaintiff(s),

vs.

THOMAS P. MANN

Defendant(s).

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 86-C-32-E

O R D E R


Rule 36(a) of the Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

(a) In any case in which no action has been taken by the parties for six (6) months, it shall be the duty of the Clerk to mail notice thereof to counsel of record or to the parties, if their post office addresses are known. If such notice has been given and no action has been taken in the case within thirty (30) days of the date of the notice, an order of dismissal may in the Court's discretion be entered.

In the action herein, notice pursuant to Rule 36(a) was mailed to counsel of record or to the parties, at their last address of record with the Court, on December 3, _____, 19 86. No action has been taken in the case within thirty (30) days of the date of the notice.

Therefore, it is the Order of the Court that this action is in all respects dismissed.

Dated this 23rd day of February, 19 87.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 24 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DONNIE WHITE, et al.,)
)
Defendants.) CIVIL ACTION NO. 85-C-1083-E

DEFAULT JUDGMENT

On February 11, 1987 this matter came on before the Court for pre-trial hearing. Plaintiff United States of America appeared by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney, and Defendant Donnie White appeared not, either in person or through counsel.

Because of Defendant's failure to appear as ordered by the Court for pre-trial hearing, it is hereby ordered that default judgment be entered in favor of Plaintiff and against Defendant Donnie White as prayed for in the Complaint.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that judgment is hereby entered in favor of Plaintiff United States of America and against Defendant Donnie White for the principal sum of \$11,800.00, plus interest accruing from the date of judgment at the rate of 6.09 percent per annum until paid, plus the costs of this action.

IT IS SO ORDERED this 23 day of Feb,
1987.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE
JAMES O. ELLISON

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 24 1987

EVERETT E. COX,
Plaintiff,

vs.

BRESLER'S 33 FLAVORS
FRANCHISING CORP., BRESLER'S
33 FLAVORS, INC., and
BRESLER MALLS, INC.,
Defendant.

No. 85-C-942 E

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS
UPON AGREED SETTLEMENT

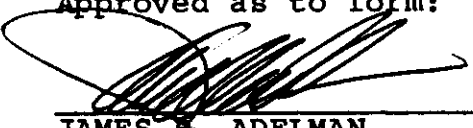
NOW ON THIS 23rd day of Feb., 1987,

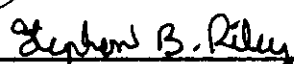
comes on for consideration before the court the Motion to Dismiss filed by the Defendant, BRESLER'S 33 FLAVORS FRANCHISING CORP., and the court, having considered the Motion and having been advised of the Settlement Agreement evidenced by the signatures affixed hereto, the court finds that said Motion should be granted.

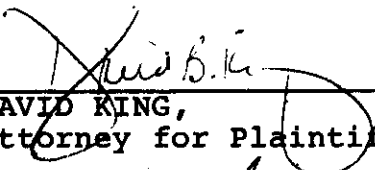
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the above entitled action is dismissed, with prejudice, upon agreement of all parties involved.

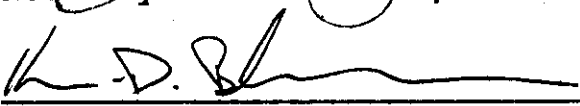
JUDGE OF UNITED STATES DISTRICT COURT

Approved as to form:



JAMES R. ADELMAN,
Trustee

STEPHEN B. RILEY,
Attorney for Debtor, Everett E. Cox

DAVID KING,
Attorney for Plaintiff, Everett E. Cox

KEVIN D. BUCHANAN,
Attorney for Defendant, Bresler's

F I L E D


Sever, Clerk
U.S. DISTRICT COURT

No. 85-C-694-E

In summary, it is therefore ordered that the hearing on sanctions scheduled for March 4, 1987 is stricken, no violation

of Rule 11 having been shown. It is further ordered that Plaintiff's case shall be dismissed without prejudice for failure to prosecute.

DATED this 23^d day of February, 1987.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

TRANSCONTINENTAL INSURANCE COMPANY,
a division of CNA INSURANCE COMPANY,
a foreign insurance corporation,
Petitioner,

v.

PACIFIC EMPLOYERS INDEMNITY COMPANY,
a division of the INSURANCE COMPANY
OF NORTH AMERICA, a Foreign Insurance
Corporation,

Respondent,

PACIFIC EMPLOYERS INDEMNITY
COMPANY, a corporation,

Counter Plaintiff,

v.

TRANSCONTINENTAL INSURANCE
COMPANY, a Corporation, a division of
CNA INSURANCE COMPANY, a foreign
Insurance Corporation,

Counter Defendants.

No. 86 C 469C

F I L E D

FEB 24 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER

Upon application of the parties, this case is dismissed with
prejudice as settled.

Dated this 24 day of February, 1987.

J. H. DALE COOK

U.S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

KIP W. L. SYLVESTER,)
)
Plaintiff,)
)
v.)
)
CAPTAIN MATNEY,)
)
Defendant.)

FILED

86-C-568-B FEB 23 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER

This is plaintiff's second attempt to state a cause of action against an officer of the Tulsa County Jail under Title 42 U.S.C. §1983 for the alleged violation of his constitutional rights. As Count One of his complaint, plaintiff alleges that he was subjected to a custodial interrogation in violation of his Miranda rights. In Count Two, plaintiff asserts that he was denied shower privileges, bedding, and was denied regular medical visits. His third count is an assertion that the jail officials opened or otherwise interfered with his legal mail.

Defendant filed a motion to dismiss plaintiff's complaint and/or for summary judgment thereon. Having carefully considered the complaint, motion and supporting brief, the court finds as follows:

Plaintiff has not stated a rational argument in support of his civil rights claim that he was illegally questioned in violation of his Miranda rights. The Tenth Circuit addressed this precise issue in Bennett v. Passic, 545 F.2d 1260 (10th Cir. 1976), wherein the court held:

The Constitution and laws of the United States do not guarantee [an individual] the right to Miranda warnings. They only guarantee him the right to be

free from self-incrimination. The Miranda decision does not even suggest that police officers who fail to advise an arrested person of his rights are subject to civil liability; it requires, at most, only that any confession made in the absence of such advice of rights will be excluded from evidence. No rational argument can be made in support of the notion that the failure to give Miranda warnings subjects a police officer to liability under the Civil Rights Act. Hampton v. Gilmore, 60 F.R.D. 71 (E.D.Mo. 1973), aff'd 486 F.2d 1407 (8th Cir. 1973).

545 F.2d at 1263.

As for plaintiff's complaints of denial of bedding and showers, this court has previously considered the conditions of the Tulsa County Jail and have found them to be constitutional. See, Clayton v. Thurman, Case No. 79-C-723-B. As for his contention that he was denied medical calls, the court notes that plaintiff's jail records contain reports indicating continual medical treatment by jail physicians. Insufficiency of medical treatment will not amount to cruel and unusual punishment in violation of the Eighth Amendment unless there has been "deliberate indifference to serious medical needs." Estelle v. Gamble, 429 U.S. 97, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976). A mere difference of opinion between the medical staff of a prison and a prisoner patient cannot alone give rise to a cause of action under the civil rights statutes. Jones v. McCracken, 562 F.2d 22 (10th Cir. 1977); Smart v. Villar, 547 F.2d 112 (10th Cir. 1976). From a review of the complaint and the record attached to defendant's motion, it is clear that plaintiff has not established a deliberate indifference on the part of the Tulsa jail officials to any serious medical need. Estelle v. Gamble, supra.

In order to state a cause of action under §1983, plaintiff must allege that defendant, acting under color of state law, deprived him of a federally protected right. Gomez v. Toledo, 446 U.S. 635, 100 S.Ct. 1920, 64 L.Ed.2d 572 (1980). A review of the complaint does not indicate that plaintiff has been deprived of rights secured under the United States Constitution, therefore plaintiff has no claim cognizable under §1983. Baker v. McCollan, 443 U.S. 137, 99 S.Ct. 2612, 61 L.Ed.2d 321 (1979).

It is therefore Ordered that defendant's motion in this matter be granted and that plaintiff's complaint be and is hereby dismissed.

It is so Ordered this 20th day of February, 1987.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

103-114

No. 86-C-879-C ✓

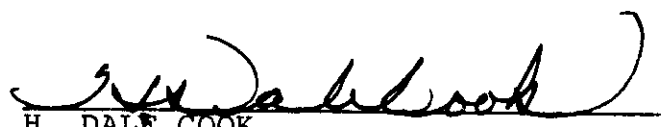
In essence plaintiffs are requesting the Court to reconsider or set aside its Order entered on January 7, 1987 wherein the Court dismissed plaintiffs' action under Rule 12(b)6 F.R.Cv.P. for failure to state a cause of action for which relief can be granted. In its motion plaintiffs allege that this Court and other federal courts are engaging in unlawful case-fixing, exparte proceedings, other acts involving obstruction of justice and denial of due process.

The Court dismissed the complaint on January 7, 1987 on the basis that the doctrine of absolute judicial immunity barred plaintiffs' action.

As further grounds for dismissing plaintiffs' case, the Court finds the complaint does not comply with Rule 8(a)(2) F.R.Cv.P., in that the complaint does not set forth a short and plain statement of plaintiffs' claim showing that the pleader is entitled to relief. Additionally, plaintiffs allege that federal judges have conspired with other federal officials to commit unlawful acts in violation of the due process clause of the United States Constitution. The Court finds that plaintiffs have failed to state a claim against the various federal defendants since plaintiffs did not allege any particular actions taken by the individuals named in furtherance of a conspiracy, see Taylor v. Nichols, 558 F.2d 561, 567 n.1 (10th Cir. 1977), and their complaint does not indicate a "conspiratorial nexus" between the various federal judges and other federal officials.

WHEREFORE, premises considered, it is the Order of the Court that the motion filed by plaintiffs on February 4, 1987 is hereby DENIED.

IT IS SO ORDERED this 13th day of February, 1987.


H. DALE COOK
Chief Judge, U. S. District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEROY JOHNSON,

Defendant.

FEB 23 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 86-C-1051-E

ORDER OF DISMISSAL

Now on this 20th day of February, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Leroy Johnson, be and is dismissed without prejudice.

By: [Signature]
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERRY ROSS BRASHAR, a/k/a
JERRY R. BRASHAR and VICKIE
ELAINE BRASHAR, husband and
wife; COUNTY TREASURER, Tulsa
County, Oklahoma; and BOARD
OF COUNTY COMMISSIONERS, Tulsa
County, Oklahoma,

Defendants.

F I L E D

FEB 23 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 86-C-420-C

DEFICIENCY JUDGMENT

Now on this 23 day of Feb, 1987, there came on for hearing the Motion of the Plaintiff United States of America for leave to enter a Deficiency Judgment herein, said Motion being filed on February 10, 1987, and a copy of said Motion being mailed to Jerry Ross Brashar and Vickie Elaine Brashar, 2139 North Delaware Avenue, Tulsa, Oklahoma 74110. The Plaintiff, United States of America, acting on behalf of the Administrator of Veterans Affairs, appeared by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma through Peter Bernhardt, Assistant United States Attorney, and the Defendants, Jerry Ross Brashar, a/k/a Jerry R. Brashar, and Vickie Elaine Brashar, appeared neither in person nor by counsel.

The Court upon consideration of said Motion finds that the amount of the Judgment rendered herein on August 4, 1986, in favor of the Plaintiff United States of America, and against the

Defendants, Jerry Ross Brashar, a/k/a Jerry R. Brashar, and Vickie Elaine Brashar, with interest and costs to date of sale is \$39,915.13.

The Court further finds that the appraised value of the real property at the time of sale was \$28,000.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered August 4, 1986, for the sum of \$22,595.00 which is less than the market value.

The Court further finds that the said Marshal's sale was confirmed pursuant to the Order of this Court on the 21st day of January, 1987.

The Court further finds that the Plaintiff, United States of America on behalf of the Administrator of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendants, Jerry Ross Brashar, a/k/a Jerry R. Brashar, and Vickie Elaine Brashar, as follows:

Principal Balance as of 11/18/86	\$33,537.07
Interest	5,407.03
Late Charges	151.60
Appraisal	250.00
1986 Taxes Advanced	138.16
Management Broker Fees	180.00
Court Costs	<u>251.27</u>
TOTAL	\$39,915.13
Less Credit of Appraised Value	- <u>28,000.00</u>
DEFICIENCY	\$11,915.13

plus interest on said deficiency judgment at the legal rate of _____ percent per annum from date of deficiency judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the appraised value of the property herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Administrator of Veterans Affairs have and recover from Defendants, Jerry Ross Brashar, a/k/a Jerry R. Brashar, and Vickie Elaine Brashar, a deficiency judgment in the amount of \$11,915.13, plus interest at the legal rate of 6.09 percent per annum on said deficiency judgment from date of judgment until paid.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT E. KOHLER, a single
person; BILL JONES ELECTRIC
INCORPORATED, an Oklahoma
corporation d/b/a ALLEN
ELECTRIC COMPANY; COUNTY
TREASURER, Tulsa County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Tulsa County,
Oklahoma,

Defendants.

F I L E D

FEB 23 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CIVIL ACTION NO. 85-C-576-C

DEFICIENCY JUDGMENT

Now on this 23 day of Feb, 1987, there came on
for hearing the Motion of the Plaintiff United States of America
for leave to enter a Deficiency Judgment herein, said Motion
being filed on February 10, 1987, and a copy of said Motion being
mailed to Robert E. Kohler, c/o Mims Landscaping and Design,
6505 East 25th Place, Tulsa, Oklahoma 74133. The Plaintiff,
United States of America, acting on behalf of the Administrator
of Veterans Affairs, appeared by Layn R. Phillips, United States
Attorney for the Northern District of Oklahoma through Peter
Bernhardt, Assistant United States Attorney, and the Defendant,
Robert E. Kohler, appeared neither in person nor by counsel.

The Court upon consideration of said Motion finds that
the amount of the Judgment rendered herein on October 10, 1985

and the Order amending said Judgment rendered herein on March 27, 1986, in favor of the Plaintiff United States of America, and against the Defendant, Robert E. Kohler, with interest and costs to date of sale is \$48,662.67.

The Court further finds that the appraised value of the real property at the time of sale was \$28,000.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered October 10, 1985 and the Order amending said Judgment entered March 27, 1986, for the sum of \$7,160.00 which is less than the market value.

The Court further finds that the said Marshal's sale was confirmed pursuant to the Order of this Court on the 21st day of January, 1987.

The Court further finds that the Plaintiff, United States of America on behalf of the Administrator of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendant, Robert E. Kohler, as follows:

Principal Balance as of 12/01/86	\$36,675.12
Interest	10,911.75
Late Charges	535.80
Appraisal	140.00
Management Broker Fees	<u>400.00</u>
TOTAL	\$48,662.67
Less Credit of Appraised Value	- <u>28,000.00</u>
DEFICIENCY	\$20,662.67

plus interest on said deficiency judgment at the legal rate of _____ percent per annum from date of deficiency judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the appraised value of the property herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Administrator of Veterans Affairs have and recover from Defendant, Robert E. Kohler, a deficiency judgment in the amount of \$20,662.67, plus interest at the legal rate of 6.09 percent per annum on said deficiency judgment from date of judgment until paid.

[Signed] H. Dale Cook

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 23 1987

Jack C. Silver, Clerk
U.S. DISTRICT COURT

IN RE: JAMES C. HARDY,
Individually and d/b/a JCH
INVESTMENTS, et al.,

Plaintiffs,

vs.

FIRST HOME SERVICE CORP.,

Defendants.


No. 86-C-916-E

JUDGMENT

This action came on for hearing before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the Plaintiff James C. Hardy d/b/a JCH Investments, JCH Designs for Living and JCH Management Services take nothing from the Defendant First Home Service Corp., that the action be dismissed on the merits, and that the Defendant First Home Service Corp. recover of the Plaintiffs its costs of action.

DATED at Tulsa, Oklahoma this 23rd day of February, 1987.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE